

JAMES A.G. BUNCH, JR.,
Plaintiff,
v.
STATE OF NORTH CAROLINA, et al.,
Defendants.

THIS MATTER is before the Court upon Plaintiff's Motion to Reconsider, filed April 6, 2006.

This Court concluded that because Plaintiff was seeking to overturn his state court conviction, his claim was most properly brought as a habeas claim rather than a § 1983 claim. Moreover, because Plaintiff was convicted and sentenced in Hertford County, any § 2254 habeas claim by Petitioner had to be filed in the United States District Court for the Eastern District of North

Carolina. Consequently, this Court dismissed Plaintiff's Complaint.

Plaintiff has filed the instant motion to reconsider asserting that this Court erred in construing his Complaint as a § 2241 petition. A review of this Court's order reveals that this Court did not construe Plaintiff's Complaint as a § 2241 petition. As this Court stated in its previous Order, pursuant to the provisions of Section 2241(d) of Title 28 of the United States Code, and in accordance with a joint order of the United States District Courts for the Eastern, Middle, and Western Districts of North Carolina, a habeas action should be filed in the district within which the state court was held which convicted and sentenced Plaintiff. Consequently, any habeas action pursuant to 28 U.S.C. § 2254 filed by Plaintiff must be done so in the United States District Court for the Eastern District of North Carolina.

THEREFORE IT IS HEREBY ORDERED that Plaintiff's Motion to Reconsider is **DENIED.**

Signed: April 10, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

